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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,166	01/03/2004	Dean Kamen	3061/101	1538

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EXAMINER	
ARYANPOUR, MITRA	

ART UNIT	PAPER NUMBER
3711	

MAIL DATE	DELIVERY MODE
08/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/751,166	KAMEN, DEAN	
	Examiner	Art Unit	
	Mitra Aryanpour	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *29 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norman et al (6,674,259) in view of BOTBALL and Updike (2002/0155884 A1).

Regarding claim 12, Norman et al in the Background of the Invention teaches that robot competitions are highly popular among people of all ages especially between high school students, wherein in these competitions, contestants i.e. students are asked to build robots to perform a wide range of tasks, such as picking up tennis balls, stacking blocks, and everything in-between (see column 1, lines 17-35). Norman et al does not disclose the particular competition rules. BOTBALL, a popular robotic competition. Each team is assigned a robot, which they design, build and operate to perform a series of tasks in each competition. In completing the tasks they are assigned points and at the end the team with the highest point value is declared the winner. Therefore, it would have been to one of ordinary skill in the art to combine the teachings of Norman et al and the well-known BOTBALL to obtain the invention as specified in claim 12. Norman et al as modified above does not explicitly state that the means for determining the winning team's score is by adding a portion of the losing teams score to the winner's total score. This concept is taught in poker tournaments and in gambling. US Patent Application Publication 2002/0155884 A1 to Updike teaches fair peer-to-peer gambling, wherein the winning points are

subtracted from the loser's account and added to the winner's account (see abstract of the disclosure and paragraph 0011). In view of Updike it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Updike's scoring system into Normal et al's robot competition the motivation being to teach fair peer-to-peer competition.

Response to Arguments

3. Applicant's arguments filed 29 July 2007 have been fully considered but they are not persuasive. As indicated in the previous office action dated 15 May 2007, there is no guarantee that the winning alliance would be motivated to cause the other alliance to achieve a high raw score and for the teams of each alliance to work cooperatively. This limitation and/or argument, is speculative and is not supported by any objective evidence. It could very well be that the winning alliance does not aid the other alliance or alliances, therefore there would be no cooperation between alliances and what applicant appears to be claiming as the novelty of his invention would never materialize. What applicant appears to be claiming as the novelty of the invention has been practiced for centuries in playing various games with children. Adults when playing and/or teaching a game to children have a tendency to aid the child in learning a game. Therefore, there is no novelty in teaching what applicant refers to as "cooperation". As for the winning alliance inheriting all or a portion of the other alliances points or score, such is taught in poker tournaments and in gambling. US Patent Application Publication 2002/0155884 A1 to Updike teaches fair peer-to-peer gambling, wherein the winning points are subtracted from the loser's account and added to the winner's account. Applicant considers the novelty to be the "scoring method". However, based on the prior art, such is not considered to be novel. In order

to better define the claimed invention over the prior art of record, applicant may want to consider including structural limitations in addition to the method steps and perhaps include method steps that positively recite steps taken by the robots and/or the students which operate the robots.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 571-272-4405. The examiner can normally be reached on Tuesday-Thursday 10:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA
09 August 2007

MITRA ARYANPOUR
PRIMARY EXAMINER